

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

AMY E. ODEM, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. 2:22-CV-00242
§
ARMANDO CHAPA, *et al.*, §
§
Defendants. §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO RETAIN CASE AND DISMISS CERTAIN CLAIMS**

On March 3, 2023, United States Magistrate Judge Julie K. Hampton issued a “Memorandum and Recommendation to Retain Case and Dismiss Certain Claims” (M&R, D.E. 14) as a result of initial screening pursuant to 42 U.S.C. § 1997e(c) and 28 U.S.C. § 1915A. Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge’s M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s M&R (D.E. 14), and all other relevant documents in the record, and

finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court:

(1) **RETAINS**: Plaintiff's Eighth Amendment deliberate indifference claims against RN Heather and Sandra in their individual capacities arising from incidents occurring on:

- a. March 19 through 21, 2022;
- b. June 12, 2022;
- c. June 16, 2022;
- d. June 19, 2022;
- e. June 24, 2022;
- f. March 11 through July 7, 2022 (repeated denial of colostomy bags);
- g. July 21, 2022;
- h. July 23, 2022; and
- i. late October 2022.

(2) **DISMISSES WITH PREJUDICE** for failure to state a claim pursuant to §§ 1915(e)(2)(B) and 1915A(b)(1):

- a. Plaintiff's claims against Defendants in their official capacities; and
- b. Plaintiff's remaining claims against Defendants.

ORDERED on April 13, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE